

SCOTT WELLS, PhD, VOLUME I, 1-22-09

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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

TYSON FOODS, INC., et al, )

Defendants. )

4:05-CV-00329-TCK-SAJ

VOLUME I OF THE VIDEOTAPED

DEPOSITION OF SCOTT WELLS, PhD, produced as a  
witness on behalf of the Defendants in the above  
styled and numbered cause, taken on the 22nd day of  
January, 2009, in the City of Tulsa, County of  
Tulsa, State of Oklahoma, before me, Kristen Holmes,  
a Certified Shorthand Reporter, duly certified under  
and by virtue of the laws of the State of Oklahoma.

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1 (Whereupon, the deposition began at  
2 9:03 a.m.)

3 THE VIDEOGRAPHER: We are now on the record  
4 for the deposition of Dr. Scott Wells. Today is  
5 January 22nd, 2009. The time is 9:00 a.m. Would  
6 counsel please identify themselves for the record?

09:03AM

7 MR. PAGE: David Page representing the  
8 State of Oklahoma.

9 MR. BASSETT: Woody Bassett representing  
10 the George's defendants.

09:03AM

11 MS. LONGWELL: Nicole Longwell on behalf of  
12 Peterson Farms.

13 MS. HILL: Theresa Hill on behalf of the  
14 Cargill defendants.

15 MR. ELROD: John Elrod on behalf of  
16 Simmons.

09:04AM

17 MR. GEORGE: Robert George on behalf of the  
18 Tyson defendants.

19 THE VIDEOGRAPHER: Thank you. The witness  
20 may be sworn in.

09:04AM

21 SCOTT WELLS, PhD  
22 having first been duly sworn to testify the truth,  
23 the whole truth and nothing but the truth, testified  
24 as follows:

25 DIRECT EXAMINATION

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1 had been someone else that had been tasked to do it,  
2 but due to a conflict of interest, they couldn't use  
3 them.

4 Q Okay. Do you know who that someone else was?

5 A At that time I did not.

11:52AM

6 Q Do you know now?

7 A I think I know. Well, I think it was Tetra  
8 Tech. Just -- and this is just my recollection of  
9 reading Gene Welch's deposition because I think that  
10 was brought up.

11:52AM

11 Q And anyone in particular at Tetra Tech that  
12 was tasked?

13 A I do not know.

14 Q Okay. What was the nature of the conflict, if  
15 -- as you understood it?

11:52AM

16 A I actually have no idea.

17 Q Okay, all right. Had Tetra Tech performed any  
18 modeling work prior to June or July of 2007 with  
19 respect to Lake Tenkiller?

20 A I do not know.

11:53AM

21 Q Okay. Were you -- you weren't provided with  
22 any work by Tetra Tech?

23 A Not from Tetra Tech.

24 Q Were you provided by -- in any lake -- I'm

25 sorry. Strike that. Were you provided with any

11:53AM

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1 lake modeling work by any other expert?

2 A Yes.

3 Q Who?

4 A The State of Oklahoma gave me a CD with  
5 information on the EFDC model that was put together,  
6 I assume, from Dynamic Solutions, Paul Craig, who I  
7 know.

11:53AM

8 Q Is Paul Craig a competent modeler?

9 A Yeah.

10 Q Was there a problem in your professional  
11 judgment with either the setup design or results of  
12 the EFDC model?

11:53AM

13 A The EFDC model uses a basis of field data from  
14 1992 and '93. So the dataset was old, and some of  
15 the phosphorus information going back to '92 and '93  
16 was deemed unreliable due to the sampling method  
17 that was used. Also, the information that was  
18 provided to me was not sufficient to judge whether  
19 the model had been adequately calibrated or set up,  
20 and, also, if we were going to do long-term  
21 simulations, the 3-D model run would've taken an  
22 even more inordinate amount of time to run than what  
23 we had with the W2 model.

11:54AM

11:54AM

24 Q Has David Page been the primary attorney with  
25 whom you have worked in this case?

11:54AM

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